

1 CODE: 0125

2 Mirko Schacke

(Name)

3 2422 Larkin Ct

(Mailing address)

4 Antioch, CA, 94531

(City, state, zip code)

5 727-277 1094

(Telephone number)

6 mcschacke@yahoo.com

(E-mail address)

7 Plaintiff/ Defendant/ Other (specify) _____,

In Proper Person

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DISTRICT OF NEVADA	
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9 EIGHTH JUDICIAL DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 UNITEST STATES COMMODITY FUTURES TRADING
12 COMMISSION

Case No.: 2:16-cv-01938-GMNNJK

13 Plaintiff(s),

Dept. No.: [INSERT DEPT. NO.]

14 vs.

15 TRADEMASTERSUSA, LLC and MIRKO SCHACKE an
individual

16 Date of Hearing: 08/26/2016

17 Time of Hearing: 9:00

18 **OPPOSITION TO PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON**19 **PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**20 (Insert your name) Mirko Schacke and Trademastersusa, the (check one box for you) 21 Plaintiff/ Defendant/ Other (specify) _____ in this case, opposes the (insert name of motion22 you're opposing) PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON23 PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, which was filed by (insert other side's24 name) United States Futures Trading Commission, the (check one box for other side) Plaintiff/ 25 Defendant/ Other (specify) _____ in this case.26 My opposition is based upon and supported by the following Memorandum of Points and
27 Authorities, the pleadings and papers on file with the Court, the attached declaration and exhibits, and any
argument the Court may allow at the time of hearing.28 **MEMORANDUM OF POINTS AND AUTHORITIES**

1 I oppose the motion on file with the Court for the following reasons and based upon the facts,
 2 law, and legal analysis below:

3 On 08/24/16, I the Defendant received the summons for hearing on 08/26/2016. Then by chance
 4 on 08/24/16 the Defendant also received an email from the Plaintiff stating a hearing scheduled for
 5 08/25/16 would be rescheduled and not be held on 08/25/16. Then on 08/25/16 Defendant received an
 6 email from Plaintiff that now the hearing would be on 08/26/16. To the Defendant this was rather
 7 confusing. Defendant is not checking emails on a daily basis and emails are not a sufficient way to
 8 communicate important schedule like this. Defendant also was not given the required 10 days time frame
 9 after plaintiff's filing and/or serving the summons to defendant. The defendant has to be given at least 10
 10 days between summons/motion for hearing and scheduled date of hearing. Furthermore the plaintiff and
 11 Court requested a hearing date which is not feasible to the defendant because of the very short notice. The
 12 defendant is requesting in separate motion information from the plaintiff regarding its discovery, witness
 13 testimonials and other necessary information gathered in this case, before scheduling a hearing. The
 14 defendant also experiences hardship at this moment due to his arised divorce and child custody case.
 15 Defendants wife is currently trying to move out of state with his children. Defendant is currently moving
 16 out of the current home and is (urgently) looking for a new place to stay. Defendant also just started a
 17 new empoyement and can't take time off with this short notice given without jeopardizing his new
 18 employment. Defendant assumes a place to stay and resolution of his ongoing divorce and child custody
 19 case within the next two months. Defendant asks the Judge politely to schedule the hearing to any date in
 20 November 2016

21 For the reasons stated above, the Court should deny the pending motion.

22 DATED this 25th day of August, 20 16.

23 I declare under penalty of perjury under the law of the State of
 24 Nevada that the foregoing is true and correct.
 25

26 **Mirko Schacke**

27 (Signature)

28 **Mirko Schacke**

29 (Print Name)

Plaintiff/ Defendant/ Other, In Proper Person

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on *(insert date document was served)* 08/25/2016, I served the above *(insert name of document)* OPPOSITION TO PLAINTIFFS MOTION FOR A CONTINUANCE OF THE HEARING ON PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION, pursuant to NRCP 5(b), by depositing a copy of the same in the United States Mail in Las Vegas, Nevada, postage prepaid, to the address listed below *(insert names and mailing addresses of opposing parties' attorneys, or opposing parties directly if no attorneys)*:

**U.S Commodity Futures Trading Commission, 525 W. Monroe Street, Suite 1100
Chicago, IL 60661**

Devision of Enforcement

(Insert date, signature, and name of person mailing document.)

DATED this 25th day of August, 2016.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Mirko Schacke

(Signature)

Mirko Schacke

(Print name)

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